



Connecticut Construction Industries Association, Inc.

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Senate Bill 153, An Act Concerning Scarring Awards Under the Workers' Compensation Act
Senate Bill 845, An Act Concerning Light Duty Work Under the Workers' Compensation Act
Senate Bill 846, An Act Requiring Employers to Assist Injured Employees in Filing a Claim for Workers' Compensation
Senate Bill 847, An Act Concerning Additional Benefits for Wage Loss Under the Workers' Compensation Act
Senate Bill 1036, An Act Concerning Notification to Injured Employees of the Discontinuation or Reduction of Workers' Compensation Benefits
Senate Bill 1037, An Act Concerning Unreasonable Delays of Workers' Compensation Hearings
House Bill 6959, An Act Concerning Workers' Compensation Rehabilitation Counselors

Labor and Public Employees Committee
January 29, 2007

CCIA Position: Oppose

Submitted by: Matthew Hallisey, Director of Government Relations and Legislative Counsel

Connecticut Construction Industries Association, Inc. (CCIA) represents the commercial construction industry in Connecticut and is committed to working together to advance and promote a better quality of life for all citizens in the state. CCIA is comprised of approximately 400 members, including contractors, subcontractors, suppliers and affiliated organizations representing all aspects of the construction industry.

In the early 1990s, CCIA formed a coalition to work toward major reform of the workers' compensation system in Connecticut. The coalition, which now includes more than 60 business organizations, was originally comprised of construction industry associations, the trucking industry and the food industry. The coalition worked hard to achieve major reforms of the system that helped reduce costs for employers while providing benefits to claimants that remain more generous than most other states. Each year since the major reforms passed, the coalition has had to work diligently to oppose bills to reverse the reform measures.

CCIA is **opposed** to a number of bills before the committee that would roll back the workers' compensation reforms enacted in early 1990s. Most of the bills would impose additional unreasonable administrative burdens on employers and increase the cost of doing business in the state. At a time when the state's economy continues to lag the national economy and Connecticut continues to struggle to attract new businesses and



create jobs, it is not in the state's interest to enact new laws that will make it more difficult to attract and retain businesses and create jobs.

Senate Bill 153 would remove the two-year limitation period, commencing from the date of the injury or the surgery date of the injury, for an injured employee to receive a workers' compensation award for permanent disfigurement or scarring. This would create great uncertainty for employers and potentially and significantly raise the cost of doing business in the state. Connecticut's standard for scarring awards already is more generous than most other states. Removing the statute of limitations would only encourage more litigation at an indeterminate time, increasing uncertainty and cost for employers.

Senate Bill 845 would require light duty work under the Workers' Compensation Act to be offered during days and hours comparable to those worked by the injured employee at the time of the injury. This would be administratively burdensome for businesses and employers in general and the construction industry in particular. For instance, how would an employer determine "suitable" work that is appropriate to the physical condition of the injured employee?

Senate Bill 847 would permit workers' compensation commissioners to award additional benefits to compensate an injured worker for loss of wages under appropriate circumstances. If the commissioner awards additional partial permanent disability benefits under Conn. Gen. State. §31-308a, he would merely be required to state the basis for the award. This amendment would effectively repeal the cap on discretionary benefits enacted in the early 1990s. A workers' compensation commissioner currently can award additional weeks of benefits for partial permanent disabilities after a claimant exhausts his regular benefits under the statutory schedule—one of only several states where this is possible.

Workers' compensation costs for employers would increase substantially if Senate Bill 847 is approved. According to the National Council on Compensation Insurance (NCCI), the nation's oldest and largest provider of workers' compensation and employee injury data, discretionary benefits for partial permanent disability are already a major cost driver for employers in the state. Under the bill, industry would not be able to set reserves for settlements because employers would have no idea what the commissioner would award for discretionary benefits in future years. Further, there would be no consistency in awards for injuries because significant decisions on partial permanent disability benefits would be up to individual commissioners. Again, this bill would create great uncertainty in the marketplace and should be rejected.

Connecticut's workers' compensation benefits are widely recognized as fair and reasonable and do not need to be changed. Many of these bills would put Connecticut significantly out of line with other states.